

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Palacios,

Plaintiff,

vs.

UNKNOWN NATIONAL CITY POLICE
OFFICERS, et al.,

Defendants.

Civil No. 07-2115 JAH (CAB)

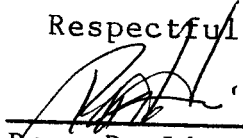
NOTICE OF APPEAL , DISMISSAL OF
§ 1983 CIVIL RIGHTS VIOLATION

Judge John A. Houston

NOW COMES the Plaintiff, Rene De Liva-Palacios, through himself, and pursuant to the Due Process Clause of the Fifth Amendment files this NOTICE OF APPEAL in good faith. Plaintiff is appealing the dismissal of his § 1983 Civil Rights Violation by the National City Police Department. His complaint was not frivolous and was different from previous filing.

Never-the-less, the claim was the same, he was almost killed by a police dog that was let loose on him when he was on the ground, not resisting police officers. The Court has rendered a manifestly unjust decision. Thusly the Plaintiff Appeals.

Respectfully Submitted,



Rene De Liva-Palacios #03562-298
Federal Correctional Institution
Post Office Box 725
Edgefield, South Carolina 29824

January 15, 2008

Sent Via U.S. Mail Certified-NO. 7005 1820 0007 5950 2135

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

Rene De Liva Palacios

V.

JUDGMENT IN A CIVIL CASE

Unknown National City Police Officers, et al.

CASE NUMBER: 07CV2115-JAH(CAB)

☐

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the civil action is dismissed as duplicative pursuant to 28 USC 1915A(b)(1) and the motion to proceed in forma pauperis is denied as moot.

November 7, 2007

Date

W. Samuel Hamrick, Jr.

Clerk

s/J. Petersen

(By) Deputy Clerk

ENTERED ON November 7, 2007

07CV2115-JAH(CAB)

Notice of Appeal Notification Form

To: Clerk, U.S. Court of Appeals
From: U.S. District Court, Southern District of California
Subject: New Appeals Case Information & Docket Fee Notification

Date: 01/24/08

Case Information

Case Title: Rene De Liva Palacios v. Unknown Named Officers

U.S.D.C. No.: 07cv2115 JAH (CAB) U.S.D.C. Judge: John A. Houston

Complaint/Indictment/Petition Filed: Complaint

Appealed Order Entered: 11/7/2007

Notice of Appeal Filed: 1/23/2008

Court Reporter: n/a

COA Status: ☐ Granted in full/part (appeal only) ☐ Denied (send clerk's file)

Docket Fee Notification

Docket Fee: ☐ Paid ☒ Not Paid ☐ No Fee Required

USA/GOVT. APPEAL: ☐ Yes ☒ No

Date F/P granted (Show Date and Attach Copy of Order): _____

Was F/P Status Revoked? ☐ Yes ☐ No

Companion Case(s): (Please list consolidated cases, if applicable) _____

Counsel Information

Appellant Counsel:

Rene De Liva Palacios
03562298

Appellee Counsel:

N/A

PO Box 725
Edgefield, SC 29824

Counsel Status: ☐ Retained ☐ Appointed ☒ Pro Se

Appointed by: _____
(Attach copy of order/minutes)

Defendant Information

Prisoner ID Number: 03562298

Bail: _____

Custody: x **SERVICE LIST**

Counsel for Appellant(s) and Appellee(s), as listed on the previous page, have been sent copies of the following items:

x	Transmittal of U.S.C.A. (Appellant and Appellee)
x	Case Information/Docketing Fee Notification Form. (Appellant Only)
x	Notice of Appeal. (Appellant, Appellee, U.S. District Judge, USPO, and Court Reporter)
x	Docket Entries (Appellant and Appellee)
x	Designation of Reporter's Transcript and Ordering Form. (Appellant Only, mailed separately)
	Order for Time Schedule. (Criminal Only) (Appellant, Appellee, and Court Reporter)
	Magistrate Judge's Report and Recommendation
	COA Order
	F/P Order
	Minute Order
x	Other: Clerk's Judgment entered 11/7/2007

Form Completed And Documents Served By U.S. District Court Deputy Clerk:

Lauren Hammer

Deputy's Name

L. Hammer

Deputy's Signature

UNITED STATES DISTRICT COURT

Southern District Of California
Office Of The Clerk
880 Front Street, Room 4290
San Diego, California 92101-8900
Phone: (619) 557-5600
Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
Clerk of Court

To: Clerk, U.S. Court of Appeals
P.O. Box 193939
San Francisco, CA 94119-3939

Re: **USCA No:**
USDC No: 07cv2115 JAH (CAB)
Palacios v. Unknown Named Officers

Clerk, U.S. Court of Appeals, enclosed herewith you will please find:

x	Copy of the Notice of Appeal	x	Docket Entries
x	Case Information/Docket Fee Payment Notification Form		
	Order for Time Schedule (Criminal)		
	Original Clerk's Record in	set(s) of	volume(s).
	Reporter's transcript's transcripts in	set(s) of	volume(s).
	Exhibits in	envelope(s)	box(es) folders(s)
x	Judgement Order		F/P Order
	CJA Form 20		Minute Order
	Certificate of Record		Mandate Return
	Magistrate Judge's Report and Recommendation		
	COA Order		
	Amended docket fee notification form		
	Order Appointing Counsel for Appeal		
x	Please acknowledge on the enclosed copy of this transmittal		

Sincerely yours,

W. Samuel Hamrick, Jr.
Clerk of Court

Date: 01/24/08

By: **L. Hammer**
Lauren Hammer, Deputy